

11/23/01
JC923 U.S. PTOPlease type a plus sign (+) inside this box → PTO/SB/05 (4/98)
Approved for use through 09/30/2000. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Attorney Docket No. AV1-059

First Inventor or Application Identifier William Fuglevand et al.

Title See 1 in Addendum

Express Mail Label No. BY HAND-DELIVERY

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. * Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. Specification [Total Pages 103]
(preferred arrangement set forth below)
 - Descriptive title of the Invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to Microfiche Appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
3. Drawing(s) (35 U.S.C. 113) [Total Sheets 28]
FIGS. 1-28
4. Oath or Declaration [Total Pages 4]
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 C.F.R. § 1.63(d))
(for continuation/divisional with Box 16 completed)
 - i. DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).

*** NOTE FOR ITEMS 1 & 13 IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY FEES, A SMALL ENTITY STATEMENT IS REQUIRED (37 C.F.R. § 1.27), EXCEPT IF ONE FILED IN A PRIOR APPLICATION IS RELIED UPON (37 C.F.R. § 1.28).**

16. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment:

Continuation Divisional Continuation-in-part (CIP) of prior application No. 09/322,666

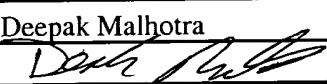
Prior application information: Examiner S. Kalafut

Group / Art Unit: 1745

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied by Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

17. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label		021567		or <input checked="" type="checkbox"/> Correspondence address below	
(Insert Customer No. or Attach bar code label here)					
Name	Deepak Malhotra				
	Wells, St. John, Roberts, Gregory & Matkin P.S.				
Address	W. 601 First Avenue, Suite 1300				
City	Spokane	State	WA	Zip Code	99201-3828
Country		Telephone	509-624-4276	Fax	509-838-3424

Name (Print/Type)	Deepak Malhotra	Registration No. (Attorney/Agent)	33,560
Signature			
Date	November 21, 2001		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

The PTO did not receive the following listed item(s):

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 3668.00)

Complete if Known

Application Number Filed Herewith

Filing Date

William Fuglevand et al.

First Named Inventor

S. Kalafut

Examiner Name

Group Art Unit

1745

Attorney Docket No.

AV1-059

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 23-0925
Deposit Account Name Wells, St. John, et al.

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed:

Check Credit card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	740.00
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

2. EXTRA CLAIM FEES

	Extra Claims	Fee from below	Fee Paid
Total Claims	122	-20** = 102 x 18.00	= 1836.00
Independent Claims	16	-3** = 13 x 84.00	= 1092.00
Multiple Dependent			= 0.00

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$2928.00)		

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Fee Code	Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
105 130	205	65	Surcharge - late filing fee or oath	
127 50	227	25	Surcharge - late provisional filing fee or cover sheet	
139 130	139	130	Non-English specification	
147 2,520	147	2,520	For filing a request for ex parte reexamination	
112 920*	112	920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115 110	215	55	Extension for reply within first month	
116 400	216	200	Extension for reply within second month	
117 920	217	460	Extension for reply within third month	
118 1,440	218	720	Extension for reply within fourth month	
128 1,960	228	980	Extension for reply within fifth month	
119 320	219	160	Notice of Appeal	
120 320	220	160	Filing a brief in support of an appeal	
121 280	221	140	Request for oral hearing	
138 1,510	138	1,510	Petition to institute a public use proceeding	
140 110	240	55	Petition to revive - unavoidable	
141 1,280	241	640	Petition to revive - unintentional	
142 1,280	242	640	Utility issue fee (or reissue)	
143 460	243	230	Design issue fee	
144 620	244	310	Plant issue fee	
122 130	122	130	Petitions to the Commissioner	
123 50	123	50	Processing fee under 37 CFR 1.17(q)	
126 180	126	180	Submission of Information Disclosure Stmt	
581 40	581	40	Recording each patent assignment per property (times number of properties)	
146 740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279	370	Request for Continued Examination (RCE)	
169 900	169	900	Request for expedited examination of a design application	
Other fee (specify) _____				

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0.00)

SUBMITTED BY

Name (Print/Type)	Deepak Malhotra	Registration No. (Attorney/Agent)	33,560	Telephone	509/624-4276
Signature				Date	November 21, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Priority Application Serial No. 09/322,666
Priority Filing Date May 28, 1999
Inventor William Fuglevand et al.
Assignee Avista Laboratories, Inc.
Priority Group Art Unit 1745
Priority Examiner S. Kalafut
Attorney's Docket No. AV1-059
Title: Fuel Cell Power Systems and Methods of Controlling a Fuel Cell Power System

CERTIFICATE OF HAND-DELIVERY

I hereby certify that on November 23, 2001, I hand-delivered the below-listed application papers to

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

in connection with filing the patent application as listed above. The papers hand-delivered are as follows:

1. Return Postcard Receipt
2. A \$3668 check
3. PTO Utility Application Transmittal Form (PTO/SB/05)
4. Fee Transmittal Form (PTO/SB/17)
5. 103 pages of Specification, Claims and Abstract plus title page of priority application
6. Inventors' Declaration (copy from priority application)
7. 28 sheets of formal drawings (Figs. 1-28) from priority application
8. Substitute Drawing Request with 28 sheets of substitute formal drawings (Figs. 1-28)
9. Preliminary Amendment
10. Certificate of Hand-Delivery of Patent Application Papers

Dated this 23 day of November, at _____

Sunny Downs
Sunny Downs

Attachment to PTO/SB/05 (4/98) Utility Patent Application
Transmittal

1. Fuel Cell Power Systems and Methods of Controlling a Fuel Cell Power System